Remarks

I. Status of Claims

Claims 2-17 are pending in the application. Claims 5-17 have been withdrawn from consideration by the Examiner and claims 2-4 are the only claims currently under consideration. Claim 2 is the only independent claim.

Claims 2-4 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Fuhrer *et al.* (USP 6,532,407) (hereinafter "Fuhrer").

The Applicant respectfully requests reconsideration of this rejection in view of the following remarks.

II. Pending Claims

Independent claim 2, the only independent claim under consideration, stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Fuhrer.

The Applicant respectfully submits that claim 2 is patentable over the cited references because it at least recites, "...a condition change estimation module that estimates the change of the road surface condition, based on a variation in period of a time change of the measured rotation angular acceleration that increases to or over a predetermined reference value." (emphasis added)

The present invention regards a rotational angular acceleration of a drive shaft linked to an axis. In claim 2, the present application recites estimating a change of a road surface condition, based on a variation in period of a time change of the rotation angular acceleration that increases to or over a predetermined reference value. For example, certain embodiments of the present invention detect the period of time change of the rotational angular acceleration of the drive shaft, that is, a peak in the time change of the rotation angular acceleration and an opposite peak appears after the peak.

With respect to Fuhrer, this reference discloses that a counter is incremented when a time interval, during which acceleration is above a threshold value, exceeds TZ1. TZ1 can be fixed

depending on the speed of a vehicle. Then a rough road section can be identified by the fact that a counter reading reaches a defined detection value. However, in contrast to the present application, Fuhrer does not disclose or suggest the variation in period of the time change of the rotation angular acceleration of the drive shaft, that is, how the peak in the time change of the rotation angular acceleration and the opposite peak appears after the peak change.

Further, by the Examiner's own admission, Fuhrer does not disclose a rotation angular acceleration module that measures a rotation angular acceleration of a drive shaft. In an attempt to cure this deficiency, the Office Action appears to rely upon Official Notice to support the rejection of claim 2. Applicant respectfully traverses the Official Notice taken and requests evidence to substantiate the alleged motivations to modify Fuhrer. Specifically, Applicant respectfully requests evidence to substantiate the theory that the rotational angular acceleration module of the present application and the acceleration measurement module of Fuhrer are art recognized equivalents. Such support is required under MPEP 2144.02 and 2144.03 and unsupported allegations cannot be used to reject the claims.

In addition, the Applicant respectfully submits that it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner claimed.

The Applicant respectfully submits that for at least these reasons, claim 2 and its dependent claims are patentable over the cited references.

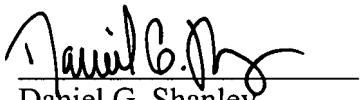
III. Conclusion

In light of the above discussion, Applicants respectfully submit that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: June 28, 2007

By: 
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